

UNITED STATES DISTRICT COURT

for the
District of New Mexico**FILED**
UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

MAY 16 2018

In the Matter of the Search of

*(Briefly describe the property to be searched
or identify the person by name and address)*8912 Camino Osito St NE, Albuquerque, NM,
single-story, white residential building

Case No. 18 mr 475

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property *(identify the person or describe the property to be searched and give its location)*:

See attachment A

located in the _____ District of New Mexico, there is now concealed *(identify the person or describe the property to be seized)*:

The person of Brian William Nelson

The basis for the search under Fed. R. Crim. P. 41(c) is *(check one or more)*:

- ☐ evidence of a crime;
- ☐ contraband, fruits of crime, or other items illegally possessed;
- ☐ property designed for use, intended for use, or used in committing a crime;
- ☒ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section
18 U.S.C. § 924(c)
18 U.S.C. § 1951

Offense Description
use/carry of firearm during crime of violence/drug trafficking offense
interference with commerce by threats or violence

The application is based on these facts:
See attached affidavit.

☒ Continued on the attached sheet.

☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.



Applicant's signature


Daniel Fondse, Special Agent - FBI

Printed name and title

Sworn to before me and signed in my presence.

Date: 5-16-18City and state: Albuquerque, New Mexico

Judge's signature



Printed name and title

AFFIDAVIT OF DANIEL FONDSE

Your Affiant, Daniel Fondse, having been first duly sworn, does hereby depose and state as follows:

1. I am a Special Agent of the Federal Bureau of Investigation (FBI) and have been employed in this capacity since May of 2017. Prior to that I was a sworn law enforcement officer in San Diego, California, for three years.
2. This affidavit will show that there is probable cause in support of a search warrant for the premises located at 8912 Camino Osito Northeast (NE), Albuquerque, New Mexico, for the person of Brian William Nelson (Nelson).
3. The statements contained in this affidavit are based upon your Affiant's investigation, training and experience and information provided by other law enforcement officers. Because this affidavit is being submitted for the limited purpose of securing a search warrant, your Affiant has not included each and every fact known to your Affiant concerning this investigation. Your Affiant has set forth only the facts which your Affiant believes are necessary to establish probable cause to support a search warrant of 8912 Camino Osito Northeast (NE), Albuquerque, NM.
4. On August 25, 2016 a federal arrest warrant was issued for Nelson in the United States District Court for the Western District of Tennessee, Memphis Tennessee, after he was charged with use/carry of a firearm during a crime of violence/drug trafficking offense, and interference with commerce by threats or violence. Nelson is reportedly a black male, 5'9" to 5'10" in height weighting 160 to 180 pounds, with year of birth 1953.
5. A search of employment records by law enforcement personnel in on 05/15/2018 using Nelson's name and social security number showed Nelson was employed in Albuquerque, NM during the last quarter of calendar year 2017.
6. A search of an online database commonly used by law enforcement personnel on 05/16/2018 using Nelson's name and date of birth showed a credit reporting agency identified Nelson used the address of 8912 Camino Osito NE, Albuquerque, NM on 04/19/2018. The search

was also performed using only Nelson's social security number and yielded the same results.

7. A search of New Mexico's motor vehicle information on 05/16/2018 showed a tan Acura MDX with license plate number 659SNM registered to Brian Willie Nelson at PO box 331, Albuquerque, NM. The registered owner has the same reported date of birth as Nelson. The vehicle's title date is 05/03/2017.

8. On 05/15/2018 your affiant drove past 8912 Camino Osito NE, Albuquerque, NM at approximately 6:30 p.m. and observed a tan Acura MDX with license plate 659SNM parked in the driveway. The driver's window of the vehicle was down. It appeared to be occupied by a lone individual with dark skin in the driver's seat. The one of the garage doors was also open.

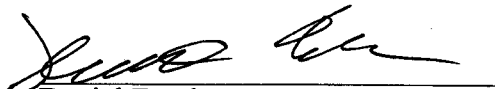
9. Your affiant drove past the house again approximately one minute later and the vehicle was gone, but the garage door was still open, indicating the vehicle may have left in a rush.

10. Later that same night, another Agent drove past the residence and observed the tan Acura MDX with license plate 659SNM again parked in the driveway of 8912 Camino Osito NE, Albuquerque, NM.

11. Based on the aforementioned facts, there is probable cause to believe that Brian William Nelson currently resides or is located at 8912 Camino Osito NE, Albuquerque, NM. There is currently an active federal arrest warrant for Brian William Nelson.

12. I swear that this information is true and correct to the best of my knowledge, information and belief.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Daniel Fondse', written over a horizontal line.

Daniel Fondse
Special Agent
Federal Bureau of Investigation

Subscribed to and sworn to
before me, this 16 day of May, 2018

A handwritten signature in black ink, appearing to read 'F. K. ...', written over a horizontal line.

United States Magistrate Judge
Albuquerque, New Mexico

Attachment A – Brian Nelson Search Warrant

8912 Camino Osito St NE, Albuquerque, NM, single-story, white, residential building located on the southwest corner of Camino Osito NE and Moon St NE, to include outdoor yard space, and any outbuildings or vehicles located on the property. Reference the images below.



Attachment A – Brian Nelson Search Warrant

8912 Camino Osito St NE, Albuquerque, NM, single-story, white, residential building located on the southwest corner of Camino Osito NE and Moon St NE, to include outdoor yard space, and any outbuildings or vehicles located on the property. Reference the images below.

